

REMARKS

In the Final Office Action, claims 1, 2, 4-17, and 19-23 were rejected. By this paper, Applicants have amended claims 1, 9, and 16. These amendments do not add any new matter and support for the amendments may be found at least on page 9, lines 7-10, page 12, lines 16-21, and page 14, lines 5-13 of the originally filed specification. Upon entry of these amendments, claims 1, 2, 4-17, and 19-23 remain pending in the present application and are believed to be in condition for allowance. In view of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

Claim Rejections under 35 U.S.C. § 103(a)

In the Final Office Action, the Examiner rejected claims 1-2, 5-11, 14-17, and 20-23 under 35 U.S.C. § 103(a) as unpatentable over Reudink et al., U.S. Pub. No. 2004/0235527 (hereinafter “Reudink”), in view of Walton et al., U.S. Patent No. 6,744,743 (hereinafter “Walton”). In addition, the Examiner also rejected claims 4, 12-13, and 19 under 35 U.S.C. § 103(a) as unpatentable over Reudink in view of Walton and, further, in view of Wiedeman et al., U.S. Pub. No. 2002/0039900 (hereinafter “Wiedeman”). Applicants respectfully traverse these rejections since the cited references fails to teach each and every limitation of the claimed invention.

Omitted Features of Independent Claims 1, 9, and 16

Reudink, Walton, and Wiedeman, taken alone or in hypothetical combination, fail to teach each element of amended independent claims 1, 9, and 16. Amended independent claim 1 recites, in part, “[a] scheduler being adapted to schedule the allocation of the group of shared system resources such that no two users served by a pair of overlapping coverage envelopes are assigned the same system resources.” (Emphasis added.) Similarly, amended independent claim 9 recites, in part, “scheduling the allocation of the group of shared system resources such that no receivers served by a pair of overlapping coverage envelopes receive the same system resources during a simultaneous data transmission.” (Emphasis added.)

It was admitted in the Final Office Action that Reudink failed to teach a scheduler. *See* Final Office Action, page 4. Accordingly, Reudink cannot be read as teaching a scheduler adapted to schedule the allocation of the group of shared system resources such that no two users served by a pair of overlapping coverage envelopes are assigned the same system resources, as recited in amended independent claims 1 and 16. Additionally, no reference was made in the Final Office Action of Reudink teaching scheduling the allocation of the group of shared system resources such that no receivers served by a pair of overlapping coverage envelopes receive the same system resources during a simultaneous data transmission, as recited in amended independent claim 9. Accordingly, the cited portions of Reudink fail to teach all elements of amended independent claims 1, 9, and 16.

It was suggested in the Final Office Action that Walton, in paragraph 61, teaches a scheduler that assigns system resources from a group of shared system resources to a plurality of receivers. *See* Final Office Action, page 4. It appears that the cited portion of Walton describes an initial allocation of available system resources. *See* Walton, col. 9, lines 17-30. However, the cited portion of Walton fails to teach a scheduler adapted to schedule the allocation of the group of shared system resources such that no two users served by a pair of overlapping coverage envelopes are assigned the same system resources, as recited in amended independent claims 1 and 16. Additionally, cited portion of Walton appears to fail to teach scheduling the allocation of the group of shared system resources such that no receivers served by a pair of overlapping coverage envelopes receive the same system resources during a simultaneous data transmission, as recited in amended independent claim 9. Accordingly, the cited portions of Reudink fail to teach all elements of amended independent claims 1, 9, and 16.

Finally, it was suggested in the Final Office Action that Wiedeman, in paragraph 181, teaches updating system resource information. *See* Final Office Action, page 4. However, the cited portion of Wiedeman fails to teach a scheduler adapted to schedule the allocation of the group of shared system resources such that no two users served by a pair of overlapping coverage envelopes are assigned the same system resources, as recited in amended independent claims 1 and 16. Additionally, cited portion of Wiedeman appears to fail to

teach scheduling the allocation of the group of shared system resources such that no receivers served by a pair of overlapping coverage envelopes receive the same system resources during a simultaneous data transmission, as recited in amended independent claim 9. Accordingly, the cited portions of Wiedeman fail to teach all elements of amended independent claims 1, 9, and 16.

Therefore, for at least the reasons set forth above, Reudink, Walton, and Wiedeman, taken alone or in hypothetical combination, fail to teach each element of amended independent claims 1, 9, and 16, and, therefore, cannot anticipate the claims under Section 103. Accordingly, Applicants respectfully request withdrawal of the rejection and allowance of independent claims 1, 9, and 16, as well as all claims depending therefrom.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: March 12, 2009

/Matthew C. Dooley/
Matthew C. Dooley
Reg. No. 61,996
FLETCHER YODER
7915 FM 1960 West, Suite 330
Houston, TX 77070
(281) 970-4545